

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:10-cv-103

-vs-

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

:

TONIA R. BURNS,

Defendant.

REPORT AND RECOMMENDATIONS

This case is before the Court on Plaintiff's Motion for Default Judgment (Doc. No. 5). The Motion shows that Defendant's waiver of service of process was filed on May 7, 2010 (Doc. No. 2). Because Defendant waived service of process, she had sixty days from the date the request for waiver was sent to her to answer the Complaint. Fed. R. Civ. P. 4(d)(3). That date was March 18, 2010, so that an answer or other response to the Complaint was due May 17, 2010. Ms. Burns failed to respond and the Clerk entered her default on July 9, 2010 (Doc. No. 4).

The instant Motion shows by Affidavit that Defendant is indebted to the United States in the amount of \$13,791.36 (\$11,550.75 principal, \$1,887.45 interest) through July 6, 2010. It is therefore respectfully recommended that the Court enter default judgment against her in that amount, plus interest thereon at 12.00% per annum from July 6, 2010, until paid and Plaintiff's costs herein incurred.

July 13, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).